

## REMARKS

Claims 1-99 were presented for examination.

Claims 1-99 were rejected.

Reconsideration of this application and allowance of all pending claims, claims 1-99, are hereby respectfully requested.

Claims 1-99: DeBaryshe shows multiple marginal rays produced by a single source, not multiple laser beams that are co-propagating.

Claims 1-99 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over DeBaryshe et al. in combination with Lemelson, sometimes in further combination with various other art. These rejections are respectfully traversed.

Independent claim 1 recites n lasers, each delivering a laser diagnostic beam, and “means to deliver said laser diagnostic beams in a combined diagnostic beam in which said laser diagnostic beams are co-propagating.” Therefore, the combined diagnostic beam contains two or more co-propagating laser diagnostic beams. Independent claims 39, 60, 81 and 95 all recite similar limitations concerning two or more co-propagating laser diagnostic beams.

Neither Lemelson nor DeBaryshe discloses two or more co-propagating laser diagnostic beams. Page 3 of the Office Action states that “Lemelson does not specifically disclose that the combined diagnostic beams are co-propagating.”

The Office Action relies on DeBaryshe to meet this claim limitation. Specifically, the examiner asserts that DeBaryshe teaches “two propagating beams 202 and 203 that intersect, thus becoming co-propagating at region L as shown in figure 3A (col. 12, lines 22-54).” Applicant respectfully submits that this statement is not correct.

Lines 202 and 203 are not two different propagating beams. Rather, lines 202 and 203 are “marginal rays” from a single beam. As described in DeBaryshe, the illuminator 12 generates radiation which propagates through an optical system. One way to model the propagation of optical radiation is to represent the radiation as a bundle of rays and then trace these rays through the system. Certain rays are given special names: marginal ray, chief ray, etc. DeBaryshe clearly states that items 200, 201, 202 and 203 are marginal rays for the optical radiation produced by illuminator 12. DeBaryshe further states that “[o]bjective optics 16 can include a first aperture stop 40 to limit the aperture of the objective lens in addition to the opening defined by the edge of the lens assembly 38 and 42 for imaging the resultant beam into a defined probe volume 46 in sample 18,” (col. 11, lines 22-34). Thus, FIG. 3A and the associated text cited by the examiner describe a single beam rather than multiple beams. Since there is only a single beam, DeBaryshe does not support the conclusion that the marginal rays 202 and 203 comprise multiple laser diagnostic beams, as is recited in the claims.

Furthermore, even if items 200, 201, 202 and 203 were different laser diagnostic beams rather than different rays, the examiner implies that when two beams intersect they automatically become co-propagating. This also is not true. Co-propagating means two beams are propagating along the same general direction. Intersect means that two beams cross each other in space. These are independent concepts and one does not necessarily imply the other. For example, the beams in Lemelson that intersect at a point within a material are similar to the rays of DeBaryshe that intersect at a point in a material. However, the examiner has correctly stated that the beams of Lemelson are not co-propagating even though they are intersecting.

Additionally, there is no suggestion or instruction in either Lemelson or DeBaryshe et al. for combining these disclosures, as the Examiner contends, in any way that would yield

Applicant's claimed invention. These cited references contain no hint or suggestion for even the desirability of combining them, in the manner proposed by the Examiner, in order to yield the claimed invention.

For all of the above reasons, it is therefore respectfully submitted that independent claims 1, 39, 60, 81, and 95 and their dependent claims 2-38, 40-59, 61-80, 82-94, and 96-99 are patentably distinctive from DeBaryshe and Lemelson, including in combination with any of the other cited references.

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Closing

Applicant believes that the application is in condition for allowance of all claims herein, claims 1-99, and therefore an early Notice of Allowance is respectfully requested. If the Examiner believes that for any reason direct contact with Applicant's attorney would help advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,

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